

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

STARWOOD CAPITAL GROUP LLC.,

CIV. ACTION NO. 14-cv-\_\_\_\_\_

Plaintiff,

Judge: \_\_\_\_\_

v.

1&1 MAIL & MEDIA INC. a/k/a 1&1  
INTERNET INC., WORLD MEDIA GROUP,  
and JOHN DOE,

Magistrate Judge: \_\_\_\_\_

Defendants.

**ELECTRONICALLY FILED**

**PROPOSED ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2014 upon consideration of Plaintiff Starwood Capital Group LLC's ("Starwood") Motion to Preserve Evidence,

IT IS ORDERED that Starwood's Motion to Preserve Evidence is GRANTED and it is further ORDERED, ADJUDGED and DECREED that:

Defendants, and all other persons or entities within their control or supervision, and all other persons or entities acting in concert with Defendants or on their behalf or participating with them, preserve, maintain, and protect in their present state from destruction, modification or alteration, each and any of the documents, electronically stored information and things relevant to Plaintiff's Verified Complaint, which are in Defendants' possession, custody or control, pending the completion of this action or until further Order of Court.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

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JUDGE, UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF PENNSYLVANIA

STARWOOD CAPITAL GROUP LLC

CIV. ACTION NO. 14-cv-\_\_\_\_\_

Plaintiff,

Judge: \_\_\_\_\_

v.

Magistrate Judge: \_\_\_\_\_

1&1 MAIL & MEDIA INC. a/k/a 1&1  
INTERNET INC., WORLD MEDIA GROUP,  
and JOHN DOE

**ELECTRONICALLY FILED**

Defendants.

**PLAINTIFF'S MOTION TO PRESERVE EVIDENCE**

Plaintiff Starwood Capital Group LLC (“Starwood”), by and through its undersigned counsel, hereby moves this Court for an Order directing that the documents, electronically stored information and things relevant to Starwood’s Verified Complaint be maintained and preserved in their present state, without change or alteration by Defendants 1&1 Mail & Media Inc. a/k/a 1&1 Internet Inc., World Media Group, and John Doe, pending completion of this matter. In support thereof, Starwood states the following:

1. Starwood has filed a Verified Complaint against Defendants seeking a temporary restraining order and preliminary injunctive relief to remedy Defendants’ misleading and infringing conduct against the intellectual property of Starwood.
2. Starwood has also filed a Motion for Temporary Restraining Order and Preliminary Injunction and a Motion for Expedited Discovery in this matter.
3. The majority of information sought by Starwood is of a nature such that the information is easily, and in some cases unintentionally, destroyed.

4. For Starwood to prepare adequately for the preliminary injunction hearing in this matter, it is necessary that this Court enter an Order directing that Defendants preserve all relevant information for purposes of discovery and hearing.

5. Such an Order will not harm Defendants. In contrast, the denial of its request to preserve evidence will substantially and irreparably harm Starwood.

WHEREFORE, this Court should enter an Order directing Defendants, and all other persons or entities within their control or supervision, and all other persons or entities acting in concert with Defendants or on their behalf or participating with them, to preserve, maintain, and protect in their present state from destruction, modification or alteration, each and any of the documents, electronically stored information and things relevant to Plaintiff's Verified Complaint, which are in Defendants' possession, custody or control, pending the completion of this action or until further Order of Court.

Dated: April 23, 2014

Respectfully submitted,

/s/ Tracy Zurzolo Quinn  
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Philadelphia, PA 19103  
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E-mail: tquinn@reeds.com

*Attorneys for Plaintiff  
Starwood Capital Group LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of April, 2014, I caused a true and accurate copy of the foregoing **Motion to Preserve Evidence** to be served on the following:

***Via Overnight Delivery and E-mail:***

1&1 Mail & Media Inc. a/k/a 1&1 Internet Inc.  
c/o Legal Compliance  
701 Lee Road, Suite 300  
Chesterbrook, PA 19087  
[legalnotice@mail.com](mailto:legalnotice@mail.com)  
[legal@1and1.com](mailto:legal@1and1.com)

1&1 Internet Inc.  
c/o J. Christopher Erb  
The Erb Law Firm, PC  
5901 Ridge Avenue  
Philadelphia, PA 19128  
[jcerb@erblaw.com](mailto:jcerb@erblaw.com)

World Media Group  
90 Washington Valley Road, #1128  
Bedminster, NJ 07921  
[corp@world.com](mailto:corp@world.com)

World Media Group  
25 Mountainview Blvd., Suite 204  
Basking Ridge, NJ 07920

***Via E-mail:***

John Doe identifying himself as “Barry S. Sternlicht”  
[starwood.capital@europe.com](mailto:starwood.capital@europe.com)

/s/ Tracy Zurzolo Quinn  
Counsel for Plaintiff